IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1009 OF 2007
IN
CRIMINAL APPEAL NO. 820 OF 2007

Rajan M. Muthiyala and anr. ..Applicants
Vs.
The State of Maharashtra ..Respondent

Mr. J.S. Kini i/by Mr.Suresh Dubey for applicants.
Mr. A.S. Shitole, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : October 12, 2007.

P.C.:

. Heard Mr. Kini the learned counsel for the applicants who have been convicted and sentenced for the offence punishable under Section 328 read with Section 34 of IPC. The sentence is RI for four years and a fine of Rs.5000/-. This is an application for bail during the pendency of Criminal Appeal No. 820 of 2007.

. As per the prosecution the accused no.1 was running Tadi Shop by name Om Saya Tadi Center" and accused no.2 was claimed to be the servant and on 19/2/2004 at about 9 p.m. while the police were on patrolling duty, noticed that some persons had fallen

unconscious in the said Tadi Shop. They were taken to the hospital, two of them died and other two survived after treatment.

. With the help of Mr. Kini I have gone through the depositions of PW 2, PW 7, PW 8 and PW 12. As per the evidence of PW 12 Dr. Shivaji V. Kachare both the deceased died due to choloral hydrate unnatural.

. I am satisfied that the applicants do not deserve to be released on bail during pendency of the appeal. Hence, the application is rejected.

. If the learned counsel for the applicants submits private paper book, which could be certified by the Registry, before 31st December, 2007, let Criminal Appeal No. 820 of 2007 be listed for final hearing in the week commencing from 14/1/2008. If the appeal does not, for any reason, reach final hearing, the applicant no.2 may apply for fresh bail application.

(B.H. Marlapalle,J.)